

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

07-CV-6068T(P)

THE PREMISES AND REAL PROPERTY WITH
ALL BUILDINGS, APPURTENANCES, AND
IMPROVEMENTS, LOCATED AT 118 KELLER
STREET, ROCHESTER, NEW YORK, THAT IS,
ALL THAT TRACT OR PARCEL OF LAND,
SITUATED IN THE CITY OF ROCHESTER,
COUNTY OF MONROE, AND STATE OF NEW YORK,
AND MORE PARTICULARLY DESCRIBED IN A
CERTAIN DEED RECORDED IN THE MONROE
COUNTY CLERK'S OFFICE IN LIBER 10071 OF
DEEDS AT PAGE 0455,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorneys, Terrance P. Flynn, United States Attorney for the Western District of New York, Brian M. McCarthy, Assistant United States Attorney, of counsel, for its verified complaint herein alleges as follows:

1. This is an action in rem for the forfeiture of certain premises and real property under the provisions of Title 21, United States Code, Section 881(a)(7).

2. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, Sections 1345, 1355, 1395, and Title 21, United States Code, Section 881(a)(7). Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

3. The subject matter of this action is the premises and real property with all, buildings, appurtenances, and improvements, located at 118 Keller Street, Rochester, New York, which is more particularly described in a certain deed recorded in the Monroe County Clerk's office in Liber 10071 of Deeds at Page 455. The defendant real property is located within the Western District of New York.

4. On or about December 13, 2006, David Anderson, a/k/a "Day Day" was charged with: a violation of Title 21, United States Code, Section 846 (conspiracy to manufacture, to possess with intent to distribute and to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base); a violation of Title 18, United States Code, Sections 924(c)(1) and (2) (knowingly and unlawfully possessing a firearm in furtherance of a drug trafficking crime); and Title 21, United States Code, Section 856(a) and Title 18, (knowingly, intentionally, and unlawfully renting, using and maintaining a place, for the purpose of unlawfully manufacturing and distributing cocaine base, and while managing and controlling such place, knowingly, intentionally and unlawfully making

available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing and distributing cocaine base, a Schedule II substance).

5. By tax foreclosure deed dated December 30, 2004, Linda Kingsley, Corporation Counsel for the City of Rochester, transferred to David Anderson title to the premises at 118 Keller Street, Rochester, New York. David Anderson is the brother of Kevin Lamont Anderson, a/k/a "Cuda".

6. A cooperating witness (CW) stated that Kevin Lamont ANDERSON, a/k/a "Cuda", used the premises at 118 Keller Street to meet with the CW to receive cocaine from the CW or to pay the CW for cocaine previously supplied. On the first such meeting in June 2005, the CW gave Cuda sixty-two grams of cocaine (referred to as a "62") on consignment at 118 Keller Street. Cuda called the CW later that same day and told the CW that the cocaine was of good quality and that he (Cuda) wanted two more "62's". The CW came back to the Keller Street house and supplied Kevin Lamont ANDERSON with the two additional "62's".

7. After those two initial transactions at Keller Street in June 2005, the CW continued to meet with Kevin Lamont ANDERSON at the Keller Street house to supply Kevin Lamont ANDERSON with cocaine and collect cash payment for the cocaine from Kevin Lamont ANDERSON. These meetings took place approximately four times a week for about four to five months. The CW also supplied cocaine to others associated with Kevin Lamont ANDERSON'S drug

trafficking including Kevin Lamont ANDERSON's brothers and cousins. The CW supplied David Anderson with cocaine at the Keller Street house on several occasions.

8. Police officers surveilled several meetings between Kevin Lamont ANDERSON and the CW at 118 Keller Street, Rochester, New York.

9. The distribution and possession with intent to distribute cocaine base is a felony under the provisions of Title 21, United States Code, Section 841. Maintaining a premises for the purposes of conducting or facilitating drug transactions is a violation under the provisions of Title 21, United States Code, Section 856(a). Accordingly, the defendant real property is subject to forfeiture to the United States of America pursuant to Title 21, United States Code, Section 881(a)(7).

10. Upon information and belief, the parties who may have an interest in the defendant premises and real property are:

David P. Anderson
c/o Peter J. Pullano, Esq.
One East Main Street
Suite 711
Rochester, NY 14614

WHEREFORE, the United States of America respectfully requests that:

- (1) due process issue for arrest of the defendant real property;

- (2) all persons having any interest therein be cited to appear and show cause why the forfeiture should not be decreed;
- (3) a judgment be entered declaring the defendant real property condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and
- (5) the Court grant such other and further relief as deemed just and proper.

DATED: February 7, 2007, at Rochester, New York

TERRANCE P. FLYNN
United States Attorney
Western District of New York

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STATE OF NEW YORK)
COUNTY OF MONROE) ss
CITY OF ROCHESTER)

WILLIAM CLARK, being duly sworn, deposes and says:

I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms, and I am familiar with the facts and circumstances surrounding the forfeiture action relating to the premises and real property located at 118 Keller Street, Rochester, New York. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of the Rochester Police Department, Internal Revenue Service, and the United States Department of Justice.

S/William Clark
WILLIAM CLARK
Special Agent
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before me
this 7th day of February, 2007.

S/Bethany J. Mastin
Notary Public

BETHANY MASTIN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN MONROE COUNTY
COMMISSION EXPIRES JULY 18, 2009